

ORDINANCE NO. 47-066

AN ORDINANCE AMENDING SECTION 1.04.070
OF THE CODE OF THE CITY OF WICHITA, KANSAS,
PERTAINING TO THE SCHEDULE OF COSTS FOR ALL
MUNICIPAL COURT CASES, AND REPEALING THE
ORIGINAL OF SAID SECTION

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA,
KANSAS:

SECTION 1. Section 1.04.070 of the Code of the City of Wichita, Kansas shall be amended
to read as follows:

(a) The sum of fifty dollars shall be assessed as court costs against each person charged
with such a violation of any of the ordinances of this city, unless found not guilty.

The fifty dollars in court costs shall include all costs required by state statute, as well
as a three dollar domestic violence program fee and a four dollar public defender fee.

However, this subsection shall not apply to persons who make payment to avoid
prosecution of a charge that involves a parking violation as provided in Section
11.92.040 of this code.

b) For each person who is charged with a violation of any of the ordinances of this city
and such matter is set for appearance, a charge of ten dollars will be assessed, unless
found not guilty.

(c) For each continuance of any pre-trial appearance, trial, sentencing, disposition or pre-
sentence investigation granted at the request of the accused person, a cost of ten
dollars shall be assessed against such accused person unless found not guilty.

(d) A cost of five dollars shall be assessed for each extension of time to pay any fine,
penalty or costs granted by the clerk of the municipal court at the request of an
accused person.

- (e) For each trial date attributable to the accused person for which subpoenas have been issued, and in addition to other costs provided for in this section, the sum of twenty-five dollars shall be assessed as court costs against such accused person, unless found not guilty by the court, except that this cost shall not be assessed against persons who are found guilty after an informal hearing in the administrative traffic court.
- (f) In addition to other costs provided for in this section, the sum of ten dollars shall be assessed as court costs against each accused person who is found guilty and files a notice of appeal in district court.
- (g) In addition to other court costs assessed pursuant to this section, fees and mileage for subpoenaed witnesses shall be assessed at the rate of two dollars and fifty cents per day and ten cents per mile actually driven in excess of twenty miles.
- (h) A cost of twenty-five dollars shall be assessed against each person for whom a municipal court bench warrant or show cause is issued for either failure to appear or failure to comply.
- (i) A cost of fifteen dollars shall be assessed against each person for whom a warrant is issued for failure to pay any fine, penalty or costs as provided in subsection (a) of this section.
- (j) In addition to other court costs assessed pursuant to this section, the sum of fifteen dollars shall be assessed as court costs against each accused person who fails to comply with a traffic citation, as set forth in Section 11.42.040(a) of this code. This assessment shall be in addition to the reinstatement fee collected by the court pursuant to K.S.A. 8-2110(c) as amended, and as set forth in Section 11.42.040(c) of this code, and shall be retained by the municipal court to be used to reimburse the court for expenses incurred in complying with the procedures required by state law. Such sum shall be assessed for each charge on which the person fails to make

- satisfaction, regardless of the disposition of the charge for which the citation was originally issued.
- (k) Each person placed under the probation supervision of a probation officer shall pay a probation fee of twenty-five dollars for each case, except that in any case in which there is a determination of indigency, the fee specified may be reduced or waived by the judge.
- (l) The assessment and imposition of the court costs pursuant to this section shall be mandatory and the court shall not waive, remit, suspend, parole or otherwise excuse the payment thereof except as set forth in subparagraph (n).
- (m) All court costs assessed and imposed by this section shall be paid not later than sixty days following imposition; provided that the court may extend the time for such payment to one hundred twenty days for good cause shown. In no case shall the court order the time for payment of court costs assessed pursuant to this section extended beyond one hundred twenty days from the date of initial imposition.
- (n) In lieu of payment of court costs assessed pursuant to this section, the court may order that the defendant perform community service specified by the court only after the defendant has filed an affidavit of such defendant's financial condition in accordance with Section 1.04.210(e), and the court has found from the information contained in the affidavit that the defendant is financially unable to pay the court costs required herein. If the court also finds that such indigent defendant is unable to perform community service work, then the court may enter an order suspending the court costs imposed by this section.
- (o) All court costs collected pursuant to this section shall be accounted for by the clerk of the municipal court and deposited to the general fund of the city and special trust fund.

SECTION 2. The original of Section 1.04.070 of the Code of the City of Wichita is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon adoption and publication in the official city newspaper.

PASSED by the governing body of the City of Wichita, Kansas, this July 11, 2006.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett City Clerk

Approved as to Form:

Gary E. Rebenstorf, Director of Law